

## REMARKS

Prior to entry of this Amendment, Claims 4-10 are pending in the application. The Examiner has rejected Claims 4-10 under 35 U.S.C. §103(a) as being unpatentable over Nonami in view of Moran (U.S. Patent App. Pub. 2002/0073142).

Please amend Claims 1 and 8 as set forth herein.

Regarding independent Claims 4 and 8, the Examiner states that the claims are obvious over Nonami in view of Moran. Moran discloses a messaging system and method, which requires a user to first determine if a feature key is pressed and then enter a directory number. In the combination of Nonami and Moran, if a call is not established and a message is to be sent to the called mobile terminal, the telephone number (or other identification of the called terminal) would need to be reentered after attempting the call and before sending the message. Claims 1 and 8 of the present application have been amended to recite that the predetermined message and/or phone number is transmitted “using information entered during the attempt to establish the call connection.” Neither Nonami nor Moran, nor a combination thereof, discloses this element. Based on at least the foregoing, withdrawal of the rejection to independent Claims 4 and 8 is respectfully requested.

Independent Claims 4 and 8 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 5-7, 9 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 5-7, 9 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 4-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr